

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAY DEAN BIRD,

Defendant.

CR-21-30-GF-BMM

ORDER

Defendant Ray Dean Bird has filed the following motions: Motion for Competency Hearing (Doc. 44); Motion in Limine to Exclude Under Rule 414/404(b) (Doc. 47); Motion for Hearing to Determine Whether the Testimony of the Alleged Victims is Tainted (Doc. 49); and Motions in Limine (Doc. 91). The Government has filed Motions in Limine (Doc. 93).

The Court held a hearing on these motions in Great Falls, Montana on December 13, 2021. The Court ruled on the motions during the hearing for the reasons stated at the bench. The Court notes that Defendant Ray Dean Bird's Motion to Dismiss (Doc. 89) will be addressed in a separate order.

ORDER

IT IS ORDERED:

1. Defendant Ray Dean Bird's Motion for Competency Hearing (Doc. 44) is **DENIED WITHOUT PREJUDICE.**
2. Defendant Ray Dean Bird's Motion in Limine to Exclude under Rule 414/404(b) (Doc. 47) is **DENIED WITHOUT PREJUDICE.**
3. Defendant Ray Dean Bird's Motion for Hearing to Determine Whether the Testimony of the Alleged Victims is Tainted (Doc. 49) is **DENIED WITHOUT PREJUDICE.**
4. Defendant Ray Dean Bird's Motions in Limine (Doc. 91)
 - 1) Unopposed motion to prevent impermissible witness bolstering is **GRANTED.**
 - 2) Unopposed motion to exclude Bird's refusal to take polygraph is **GRANTED.**
 - 3) Motion to exclude evidence of Bird's alleged drug and alcohol use is **DENIED WITHOUT PREJUDICE**, subject to reassertion at trial.
 - 4) Motion to exclude evidence of Bird's alleged verbal and physical abuse is **DENIED WITHOUT PREJUDICE**, subject to reassertion at trial.

5) Unopposed motion to exclude opinions of forensic interviewer is

DENIED WITHOUT PREJUDICE.

6) Motion to exclude evidence of attempts at self-harm is **DENIED**

WITHOUT PREJUDICE, subject to reassertion at trial.

7) Motion to order parties not to use the term “defendant” or “victim”

is **DENIED.**

8) Motion to exclude hearsay evidence is **DENIED WITHOUT**

PREJUDICE, subject to reassertion at trial.

5. Government’s Motions in Limine (Doc. 93)

1) Motion to admit prior consistent statements made by minor victims

is **DENIED WITHOUT PREJUDICE**, subject to reassertion at trial.

2) Motion to preclude the defense from distracting the jury with

irrelevant and confusing testimony relating to the investigative and prosecutive decisions of law enforcement agents and prosecutors is **DENIED WITHOUT PREJUDICE**, subject to reassertion at trial.

3) Motion to preclude the defense from offering out-of-court

statements by the defendant is **DENIED WITHOUT PREJUDICE**, subject to reassertion at trial.

Dated the 20th day of December, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a large initial "B" and "M".

Brian Morris, Chief District Judge
United States District Court